



January 23, 2008

HOUSE BILL No. 1061

DIGEST OF HB 1061 (Updated January 22, 2008 9:36 am - DI 107)

Citations Affected: IC 32-31.

Synopsis: Application of landlord-tenant statutes. Provides that the residential landlord-tenant statutes apply to a rental agreement that gives the tenant an option to purchase and that is entered into after June 30, 2008.

Effective: July 1, 2008.

Day, Foley

January 8, 2008, read first time and referred to Committee on Judiciary.
January 22, 2008, reported — Do Pass.

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HB 1061—LS 6516/DI 75+



January 23, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1061

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-31-2.9-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The residential
3 landlord-tenant statutes do not apply to any of the following
4 arrangements unless the arrangement was created to avoid application
5 of the residential landlord-tenant statutes:

6 (1) Residence at a rental unit owned or operated by an institution
7 that is directly related to detention or the provision of medical
8 care, maternity home care, education, counseling, religious
9 service, geriatric service, or a similar service.

10 (2) Occupancy under a contract of sale of a rental unit or the
11 property of which the rental unit is a part if the occupant is the
12 purchaser or a person who succeeds to the purchaser's interest.

13 **However, the residential landlord-tenant statutes apply to**
14 **occupancy of a rental unit under a rental agreement described**
15 **in IC 32-31-3-7(b).**

16 (3) Occupancy by a member of a fraternal or social organization
17 in the part of a structure operated for the benefit of the

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organization.

(4) Transient occupancy in a hotel, motel, or other lodging.

(5) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in or about the premises.

(6) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative.

(7) Occupancy under a rental agreement covering property used by the occupant primarily for agricultural purposes.

SECTION 2. IC 32-31-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) As used in this chapter, "rental agreement" means an agreement together with any modifications, embodying the terms and conditions concerning the use and occupancy of a rental unit.

(b) The term includes an agreement, regardless of what the agreement is called, that satisfies the following:

(1) The agreement is entered into after June 30, 2008.

(2) The agreement provides for a rental period, explicitly or implicitly, regardless of the term of the rental period.

(3) The agreement contains an option to purchase.

SECTION 3. IC 32-31-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies only to dwelling units that are let for rent **under a rental agreement entered into** after June 30, 2002.

(b) This chapter does not apply to dwelling units that are let for rent with an option to purchase **under an agreement entered into before July 1, 2008.**

SECTION 4. IC 32-31-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies only to dwelling units that are let for rent **under a rental agreement entered into** after June 30, 2002.

(b) This chapter does not apply to dwelling units that are let for rent with an option to purchase **under an agreement entered into before July 1, 2008.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1061, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 8, nays 0.

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